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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP
address 72.89.176.192,

Defendant.

Civil Action No. 2:14-cv-04396-KM-MAH

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Notice is given that on August 18, 2014, in Courtroom PO 03, Martin Luther King Building & US Courthouse, 50 Walnut Street, Newark, New Jersey, 07101, before the Honorable Kevin McNulty, D.J., at 9:30 AM of that day or as soon thereafter as the counsel can be heard, that plaintiff Malibu Media, LLC, will move the Court for an order granting it leave to serve third party subpoena prior to a Rule 26(f) conference as more fully appears in plaintiff's motion.

The motion will be made on the grounds that the order is necessary to obtain the true identity of the John Doe Defendant.

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Declaration of Patrick J. Cerillo; (2) Memorandum of Law in support of this motion; (3) Declaration of Colette Field in support of this motion; (4) Declaration of Patrick Paige in support of this motion; and (5) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Verizon FiOS, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Respectfully submitted,

Dated: July 24, 2014

By: /s/ Patrick J. Cerillo
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